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In re Application of MULTHOFF :
U.S. Application No.: 10/581,918 :
PCT Application No.: PCT/EP2004/013858 :
Int. Filing Date: 06 December 2004 :
Priority Date Claimed: 05 December 2003 : DECISION
Attorney Docket No.: KNAUTHE-12014 :
For: COMPOSITIONS AND METHODS FOR :
THE TREATMENT AND DIAGNOSIS OF :
NEOPLASTIC AND INFECTIOUS DISEASES :

This is in response to applicant's petition under 37 CFR 1.137(b) filed 11 February 2010.

BACKGROUND

On 06 December 2004, applicant filed international application PCT/EP2004/013858, which claimed priority of an earlier European Patent Office application filed 05 December 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 16 June 2005. The thirty-month period for paying the basic national fee in the United States expired on 05 June 2006.

On 06 June 2006, application PCT/EP2004/013858 became abandoned as to the United States for failure to timely pay the requisite basic national fee.

On 06 June 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US).

On 11 February 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless

previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 06 December 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 23 April 2007.

This application is being forwarded to Technology Center Art Unit 1643 for continued processing.



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